

Application No. 09/943,610
Attorney Docket No 2001B081
Amendment Dated November 25, 2003
Reply to Office Action of July 7, 2003

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1, 6, 9-15, 20, and 22-23 have been amended, claims 5, 7-8, 19, and 21 have been canceled without prejudice. Claims 1-4, 6, 9-18, 20 and 22-23 are now pending.

Claim 1 was amended to include the elements of claims 5 and 7 therein. Support for the amendment to claim 1 is found in claims 5 and 7 as originally filed. Amendment to claims 6 and 9-14 change the dependency of these claims and address formality issues in the amended claims. Claim 15 was amended to include the elements of claims 19 and 21. Support for the amendment to claim 15 is found in claims 19 and 21. Claims 22 and 23 were amended to change the dependency and involve no other substantive changes. Thus, these amendments add no new matter, and should be entered at this time. For the reasons that follow, Applicants believe all claims are in condition for allowance.

The Examiner has restated his rejection of the claims that were made in the first substantive Office Action dated January 23, 2003 in the second substantive Office Action dated July 7, 2003. Applicants responded to the first substantive Office Action in a Response dated May 1, 2003. All of the arguments set forth in Applicants' Response dated May 1, 2003 are pertinent to the issues now raised and are fully incorporated herein by reference in the present Amendment.

In the Office Action dated July 7, 2003, the Examiner asserted that Applicants' earlier arguments that the patentability of the claims were supported by unexpected results were unpersuasive to the Examiner. Particularly, the Examiner determined that the evidence of non-obviousness was, purportedly, not commensurate in scope with the claims.

Applicant respectfully disagrees and requests reconsideration of the patentability of the claims as amended. Both claims 1 and 15 involve contacting an oxygenate feed with a first zeolite catalyst comprising a ZSM-5 molecular sieve and a second zeolite catalyst comprising a molecular sieve selected from the group consisting essentially of

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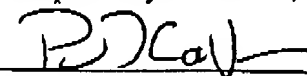
ZSM-22, ZSM-23, ZSM-35, ZSM-48 and mixtures thereof. The Markush group from which the second zeolite is selected is properly identified by a common feature --all of the members of the Markush group are 10 member ring zeolite catalysts. The data presented in the Examples of the Application show that one oxygenate feed sample (study sample) is contacted with a ZSM-5 catalyst and a 10-member ring zeolite catalyst selected from the Markush group of claims 1 and 15. The product of this reaction has an approximately 50% increase in ethylene and/or propylene yield compared to an oxygenate feed sample that is contacted with only a ZSM-5 catalyst (control sample). Therefore, the scope of claims 1 and 15 (as well as the claims that depend from these claims) are commensurate with the unexpected results shown. Furthermore, broader claim scope is supported because the improvement in ethylene and propylene yield was so much higher than the control group.

Applicants invite the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

November 26, 2003

Date

Respectfully submitted,



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